

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION**

RAY JAMES,

Plaintiff,

v.

CASE NO. 4:15cv249-RH/GRJ

FLORIDA DEPARTMENT OF  
CORRECTIONS,

Defendant.

---

**ORDER OF DISMISSAL**

This case is before the court on the magistrate judge’s report and recommendation, ECF No. 3, and the objections, ECF No. 4. I have reviewed *de novo* the issues raised by the objections.

As noted in the report and recommendation, the plaintiff has at least three “strikes” under 28 U.S.C. § 1915(g) and has not alleged that he is in imminent danger of serious physical injury. The objections do not—and could not reasonably—deny this. The plaintiff therefore cannot proceed *in forma pauperis*.

The plaintiff’s assertion that the three-strikes bar does not apply to a case of this kind is plainly wrong. And, as the report and recommendation also correctly

concludes, the plaintiff would not be entitled to relief even if he paid the filing fee; the complaint fails to state a claim on which relief can be granted.

For these reasons,

IT IS ORDERED:

The report and recommendation is ACCEPTED and adopted as the court's opinion. The clerk must enter judgment stating, "The complaint is dismissed." The clerk must close the file.

SO ORDERED on June 12, 2015.

s/Robert L. Hinkle  
United States District Judge